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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,260	09/08/2003	Toshiyuki Tabu	32011-192720	8603
26694	7590	05/03/2007		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER VIANA DI PRISCO, GERMAN	
			ART UNIT	PAPER NUMBER
			2609	
			MAIL DATE	DELIVERY MODE
			05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,260	<b>Applicant(s)</b> TABU, TOSHIYUKI	
	<b>Examiner</b> German Viana Di Prisco	<b>Art Unit</b> 2609	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>08 September 2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

2. The information disclosure statement submitted on 09/08/2003 been considered by the Examiner and made of record in the application file.

### ***Drawings***

3. The drawings are objected to because in figure 1 the arrow coming out of the packet sorting portion 210 and into the circuit interface portion 300 should be replaced by an arrow coming out from the packet processing portion 200 into the circuit interface portion 300. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date

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of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Salim (United States Patent No.: 6,628,653 B1).

Consider claim 5, Salim discloses a packet type identification device, which identifies one or a plurality of types of packet formats, comprising: a packet information extraction portion (programmable discriminator 200 in figure 4), which extracts from a packet for identification a prescribed range of fields including at least one identifying information item which identifies the packet type; and a packet judgment portion (comparator 440 in figure 4), which judges the packet type based on information in a prescribed position among said extracted fields (column 4 lines 24-28).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1,2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salim (United States Patent No.: 6,628,653 B1) in view of Moriwaki et al. (United States Patent Application Publication No.: 2003/0002506 A1).

Consider claim 1, Salim shows and discloses routing processing device (figure 14 and column 15 line 42 – column 16 line 67) which identifies one or a plurality of types of packet formats (column 2 lines 3-4), and performs routing processing for each packet type, comprising: a packet information extraction portion, which extracts from a packet for identification a prescribed range of fields including at least one identifying information item which identifies the packet type; a packet judgment portion, which judges the packet type based on information in a prescribed position among said extracted fields (figure 4, column 2 lines 41-48, column 4 lines 24-28 and column 8 line

62 – column 9 line 34); a packet sorting portion which sorts packets based on said header information imparted to the packets (packet handler 240 in figure 2); and, a routing processing portion which performs routing processing of packets sorted by said packet sorting portion, according to the packet type (figure 14 and column 15 line 42 – column 16 line 67).

Nonetheless Salim fails to teach a header imparting portion, which creates header information according to the packet type based on the judgment result of said packet judgment portion and imparts the header information to the packet.

In the same field of endeavor, Moriwaki et al. shows and discloses an internal header generator 236 (figure 4) and an internal header depending on the packet type (paragraph [077])

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a header depending on the packet type as disclosed by Moriwaki et al. in the device of Salim with the purpose of controlling the flow of packets.

Consider claim 2, and as applied to claim 1 above, Salim as modified by Moriwaki et al. show and disclose a settings table 230 which associates packet types with said routing processing portion, and wherein said header imparting portion creates a packet header information designating said routing processing portion, based on the judgment result of the packet by said packet judgment portion and said settings table

and imparts this packet header information to the packet (figure 14 and column 15 line 42 – column 16 line 5).

Consider claim 4 and as applied to claim 1 above, Salim discloses a programmable hardware discriminator for receiving incoming packets and selecting bits from any part of the incoming packets (column 2 lines 7-9).

9. Claim 3 as applied to claim 1 above, is rejected under 35 U.S.C. 103(a) as being unpatentable over Salim (United States Patent No.: 6,628,653 B1) in view of Moriwaki et al. (United States Patent Application Publication No.: 2003/0002506 A1), and further in view of Mizuhara et al. (United States Patent Application Publication No.: 2002/0012348 A1).

Consider claim 3 and as applied to claim 1 above, Salim as modified by Moriwaki et al. disclose the claimed invention except the header containing discarding instruction information.

In the same field of endeavor, Mizuhara et al. disclose a router device wherein an internal header is added to a packet containing discarding information (paragraph [0025]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add discarding information to the header as disclosed by Mizuhara et al. in the device of Salim as modified by Moriwaki et al. with the purpose of controlling the flow of packets.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yazaki et al (United States Patent Application Publication No.: 2006/0114924 A1) disclose a packet forwarding apparatus with packet controlling functions wherein an internal header is added to the input packet. Onishi et al. (United States Patent No.: 5,434,863) disclose a routing accelerator that discriminates the kind of data frame

10. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to German Viana Di Prisco whose telephone number is (571) 270-1781. The examiner can normally be reached on Monday through Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571) 272-7915. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*German Viana Di Prisco*  
G.V.D.P./gvdp

April 27, 2007

A handwritten signature in black ink, appearing to read 'German Viana Di Prisco', with a stylized flourish at the end.